

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

**SHIRLEY CLAY**

**CIVIL ACTION NO. 14-2755**

**VERSUS**

**JUDGE ROBERT G. JAMES**

**DR. FRANK POGUE, ET. AL.**

**MAG. JUDGE KAREN L. HAYES**

**J U D G M E N T**

The Court has fully considered the record in this matter, including the Report and Recommendation of the Magistrate Judge [Doc. No. 84]. After due consideration, the Court ADOPTS IN PART and DECLINES TO ADOPT IN PART the Report and Recommendation of the Magistrate Judge. The Court ADOPTS Report and Recommendation in every regard, except to the extent it recommends dismissal of Plaintiff's claims arising under Louisiana's Whistleblower Statute, LA. REV.STAT. § 23:967. Therefore,

IT IS ORDERED, ADJUDGED, AND DECREED that Defendants' Motion to Dismiss [Doc. No. 6] is GRANTED IN PART AND DENIED IN PART. The motion is GRANTED to the extent it seeks dismissal of Plaintiff's claims against Defendant Board of Supervisors of the University of Louisiana and her claims against Defendant Dr. Frank Pogue in his official capacity. Those claims are hereby DISMISSED WITH PREJUDICE. The motion is also GRANTED to the extent it seeks dismissal of Plaintiff's claims arising under 42 U.S.C. § 1983 for violation of her Fifth and Fourteenth Amendment rights and her claims arising under 42 U.S.C. § 1981. Those claims are also DISMISSED WITH PREJUDICE. The motion is DENIED to the extent it seeks dismissal of Plaintiff's claims arising under 42 U.S.C. § 1983 for violation of her First Amendment rights and to the extent it seeks dismissal of Plaintiff's claims under LA. REV.STAT. § 23:967.

IT IS FURTHER ORDERED, upon a finding of good cause, that Plaintiff is granted leave to amend her Complaint to reassert claims under 42 U.S.C. § 1983 for violation of her First Amendment rights and also granted leave to amend her Complaint to assert claims under LA. REV.STAT. § 23:967. The Court agrees with the Magistrate Judge's LA. REV.STAT. § 23:967 analysis that Plaintiff must articulate a state law that Defendants have violated in order to proceed. Upon inspection of the amended Complaint, the Court will *sua sponte* consider Plaintiff's LA. REV.STAT. § 23:967 claims to determine whether Plaintiff has alleged a plausible violation of Louisiana state law.

MONROE, LOUISIANA, this 24<sup>th</sup> day of April, 2015.

  
ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE